

October 13, 2008

Tiverton CVS, Inc  
One CVS Drive  
Woonsocket, Rhode Island 02895

Re: Tiverton Zoning Board Relief; Map 2-12, Block/Plat 194, Card/Lot 1B  
Map 2-12, Block/Plat 94, Card 94A

The following is the decision on your Petition heard by the Tiverton Zoning Board of Review (the "Board") on October 6, 2008 for a request for a special use permit to construct a new pharmacy (the "Use") with a drive through service pursuant to Article IV and to erect more than two attached signs, a wall sign exceeding the permitted sign size and to internally illuminate signs pursuant to Article XII, Section 4 of the Tiverton Zoning Ordinance ("Zoning Ordinance") located at 500 Main Road, Tiverton, Rhode Island at Map 2-12, Block/Plat 194, Card/Lot 1B and Map 2-12, Block/Plat 94, Card 94A (the "Premises") located in a General Commercial zoning district.

A company representative was present at the hearing to explain the proposed operations at the new facility. In addition, a sign designer, real estate appraiser, environmental engineer and civil engineer were presented as experts to the Board to explain the Use and sought after relief. Several neighbors were present at the hearing and commented that they had concerns regarding the hours of operation, time and frequency of deliveries to the proposed store and the proposed sign and parking area lighting plans. One neighbor was concerned about the presence of ground water contamination from a previous use of the Premises. The applicant amended the application during the presentation to change the signs from internally illuminated to "halo" illuminated in response to the neighbors' expressed concerns.

After the testimony was completed at the public hearing for which due notice was given and a record kept, and after having viewed the premises and the surrounding area, the Board, taking into consideration its knowledge and expertise and after taking into consideration all of the testimony at the public hearing, makes the following findings:

1. That the Premises contains approximately 145,412 square feet of land area, more or less, zoned General Commercial.
2. That the Premises contains a closed retail store and a pad site retail store with several businesses. The proposed Use is permitted, but the drive through and sign plan requires the issuance of a special use permit pursuant to Article IV and Article XII, Section 4 of the Zoning Ordinance.
3. That the petitioner desires to establish the Use on the Premises by demolishing and existing closed building, constructing a new building for the Use and, renovating the other retail building.
4. That the petitioner testified that the proposed renovations are necessary to establish the Use.
5. That the petitioner's several expert witnesses adequately explained that the Use and sought after relief was compatible with the surrounding area and the environment, that several state permits had already been obtained to permit the Use, that the Use would not adversely affect surrounding property values or negatively effect the area and that the Use would not have an adverse effect on traffic conditions in the area.
6. That neighbors expressed concerns regarding the Use, but that such expressed concerns had been adequately addressed by the petitioner during the presentation of the proposal at the public hearing.

7. That the Board concurred with the factual statements and opinions of the petitioner and its expert witnesses, whose information, analysis and conclusions were found credible and made a part of the record.

As to the special use permit, the Board made a motion to approve the sought after relief. After deliberations, the Board voted unanimously to grant the petitioner's two applications for special use permits, as follows:

- (1) The public convenience and welfare will be served by allowing the establishment of the Use on the Premises.
- (2) The proposed Use will not be detrimental to the public health, safety, morals or welfare.
- (3) The proposed Use will be compatible with neighboring uses and will not adversely affect the general character of the area.
- (4) The proposed Use will not create a nuisance in the neighborhood, and will not hinder or endanger vehicular or pedestrian movement.
- (5) The requested Use is compatible with the comprehensive community plan of the Town of Tiverton.

This petition is granted by the Board with the following stipulations and conditions:

1. That this decision must be recorded in the Land Evidence Records in the Town Clerk's Office before a building permit/certificate of occupancy is issued. (Please note that the appeal period (20 days) begins when said decision is recorded and posted with the Town Clerk's Office).
2. That the relief is limited to the plans and representations made by the petitioner to the Board and that any changes to the approved plan shall not be made without approval of the Zoning Board of Review.
3. This approval shall expire one year from the date of granting of such by the Board unless the applicant exercises the permission granted or receives a building permit to do so and commences construction and diligently prosecutes the construction until completed. The Board may, upon application thereof, for cause shown and without a public hearing, grant an extension, provided that not more than one such extension for a period of six months may be granted.

Present this letter to the Building Inspector when applying for the necessary permits.

Very truly yours,

David Collins, Chairman  
Tiverton Zoning Board of Review